

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

AVELINO RAMIREZ,

**FILED**

**OCT 31 2024**

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT(S).

**CR 24-0564**

**WHO**

## INDICTMENT

18 U.S.C. § 1343 – Wire Fraud;  
18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture Allegation

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 31st day of

October, 2024

Clerk

Kandis Westmore Bail, \$ No Process Summons

HON. KANDIS A. WESTMORE, U.S. Magistrate Judge

1 ISMAIL J. RAMSEY (CABN 189820)  
2 United States Attorney

**FILED**

**OCT 31 2024**

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 AVELINO RAMIREZ,

15 Defendants.

CASE NO.

VIOLATIONS:

18 U.S.C. § 1343 – Wire Fraud;

18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) –  
Forfeiture Allegation

SAN FRANCISCO VENUE

16  
17  
18 INDICTMENT

19 The Grand Jury charges:

20 At all times relevant to this Indictment:

21 The Scheme to Defraud

22 1. Beginning at a date unknown to the grand jury but no later than October 18, 2021, and  
23 continuing through a date unknown to the grand jury, but to at least February 27, 2024, defendant  
24 Avelino RAMIREZ knowingly devised, intended to devise, and carried out a scheme and artifice to  
25 defraud as to a material matter, and to obtain money and property by means of materially false and  
26 fraudulent pretenses, representations, and promises. From approximately 2013 to September 2022,  
27 RAMIREZ was an Investigative Services Unit (“ISU”) K-9 Officer with the California Department of  
28 Corrections and Rehabilitation (“CDCR”) at San Quentin State Prison (“SQSP”) located in Marin

INDICTMENT

1 County within the Northern District of California. In September 2022, RAMIREZ was promoted to K-9  
2 Sergeant for the Northern Region of California, was assigned to the California Medical Facility  
3 (“CMF”) in Vacaville, California, and began working at the prison in November 2022.

4 2. CDCR employs canine (K-9) units throughout the state to combat the introduction of  
5 illegal drugs and contraband into CDCR facilities and to reduce the overall level of contraband and  
6 criminal activity within the inmate population, enhancing the safety and security of the institution and  
7 public at-large. A K-9 unit is a law enforcement officer paired with a service dog to perform the duties  
8 of a general police officer. A police dog, also known as K-9, is a dog specifically trained to assist  
9 members of law enforcement. California state prisons regularly conduct searches of prison facilities to  
10 identify and seize contraband and K-9s are often used in connection with those searches, as they are  
11 trained to locate contraband. If contraband drug items are discovered under the control of an inmate, the  
12 drugs are sent to the California Department of Justice (“DOJ”) for further analysis, such as drug  
13 identification confirmation or to determine the extent of criminal charges to bring against an inmate.  
14 However, if contraband is recovered in an uncontrolled area of a prison, which is defined as a common  
15 area within the prison facility not directly linked or associated with an inmate, then the contraband is not  
16 typically sent to the DOJ for further analysis. As an ISU officer and sergeant, RAMIREZ was both  
17 knowledgeable about, and received training on, evidence processing and CDCR drug evidence testing  
18 protocols.

19 As part of the scheme to defraud:

20 3. RAMIREZ engaged in a scheme wherein he smuggled and then planted contraband in  
21 uncontrolled areas of SQSP and CMF and then pretended to discover said contraband. RAMIREZ did  
22 so in order to hold himself out as a successful K-9 officer with the hope that it would help him obtain a  
23 promotion to K-9 sergeant and also to fraudulently inflate his salary through overtime pay for report  
24 writing following these false discoveries. Contraband items RAMIREZ planted included drugs, drug  
25 paraphernalia, tobacco, cell phones, and weapons.

26 4. In order to hold himself out as a successful K-9 officer and handler, RAMIREZ planted  
27 and subsequently discovered contraband in uncontrolled areas of the prisons, thereby vastly  
28 outperforming his fellow ISU officers. For example, focusing on contraband packages, in 2021, SQSP



1 reports indicate that there were 23 contraband packages recovered in uncontrolled areas of SQSP. Of  
2 the 23 recoveries, RAMIREZ recovered 13 of the contraband packages. The next highest number of  
3 contraband items recovered by a single correctional officer in uncontrolled areas at SQSP in 2021 was 2.  
4 Eight other correctional officers each only recovered 1 contraband package from uncontrolled areas at  
5 SQSP in 2021. This was a significant increase from 2020, in which RAMIREZ recovered 3 contraband  
6 packages in uncontrolled areas at SQSP and there was only a total of 5 discoveries during a four-month  
7 period between October 2020 and December 2020. In 2022, there were 28 contraband drug items  
8 recovered in uncontrolled areas at SQSP. Of the 28 recoveries, RAMIREZ discovered a total of 20.  
9 The next highest number of contraband items recovered by a single correctional officer in 2022 at SQSP  
10 was 2.

11 5. Preceding RAMIREZ's transfer to CMF in November 2022, only 1 contraband package  
12 had been recovered in an uncontrolled area of CMF that year. After RAMIREZ transferred to CMF and  
13 began working in November 2022, there was a large uptick in contraband recovered in the uncontrolled  
14 areas of the prison with discoveries on November 30 and December 20, 2022, and February 14,  
15 February 22, March 9, March 26, June 30, August 1, October 5, November 3, and November 21, 2023.  
16 Following the irregular contraband discoveries since RAMIREZ's transfer to CMF, at the end of  
17 November 2023, supervisors within the prison temporarily suspended searches of uncontrolled areas.  
18 Searches resumed after RAMIREZ was removed from his position at CMF in February 2023, and there  
19 was a dramatic reduction in drug contraband discoveries in uncontrolled areas of the prison.

20 6. Typically, the contraband RAMIREZ planted and then dishonestly discovered inside the  
21 prison was methamphetamine (or substances resembling methamphetamine) and marijuana, although he  
22 also planted other types of contraband such as cocaine, drug paraphernalia, tobacco, other electronic  
23 devices, and weapons.

24 7. In furtherance of his scheme and artifice, RAMIREZ used a variety of  
25 means and methods, including but not limited to the following:

26 a. RAMIREZ planted packages in the prisons consisting of a marijuana shake, which is  
27 marijuana comprised of bits of leaves, stems, and trimmings that fall from the buds. At times,  
28 RAMIREZ planted marijuana mixed with foxtails and lawn trimmings.

1           b.     RAMIREZ often packaged the contraband he planted in the prisons in Ziplock sandwich  
2 bags with a green seal, latex gloves, black electrical tape, tinfoil, or clear plastic.

3           c.     RAMIREZ took advantage of his knowledge of the CDCR drug testing policy of  
4 contraband recovered in uncontrolled areas and packaged the drugs he smuggled in such a way that they  
5 would often pass a field test and therefore both count towards a discovery statistic for which he would  
6 receive credit and allow him to obtain overtime pay to write and file a report following the incident.  
7 RAMIREZ planted the drugs in uncontrolled areas believing that they would not be sent to a lab in an  
8 effort to avoid detection and conceal his scheme.

9           d.     At times, RAMIREZ directed other officers to search specific uncontrolled areas in an  
10 effort to conceal his involvement in the scheme.

11          e.     To further his scheme, RAMIREZ maintained, in the basement of his house, a jar of  
12 marijuana shake, latex gloves, salt, sugar, electrical tape, cellphones wrapped in plastic in the rafters,  
13 electrical tape, tinfoil, and Ziplock bags with a green seal.

14          f.     RAMIREZ requested and received overtime pay following his discoveries in  
15 uncontrolled areas. For example, RAMIREZ claimed he discovered methamphetamine packaged in  
16 blue latex in an uncontrolled area at SQSP on January 21, 2022, which field-tested positive for  
17 methamphetamine. Following that discovery, RAMIREZ requested and received 7 hours of overtime,  
18 during which time he wrote and signed a report that was 8 lines long, wherein he falsely claimed he  
19 discovered the methamphetamine, and he received approximately \$503.51 of overtime pay at  
20 approximately \$71.93 per hour. This was reflected in RAMIREZ's paycheck for \$3,455.41, which was  
21 wired to his bank account on or about February 11, 2022.

22          g.     In another example, on March 23, 2022, RAMIREZ planted 5 bindles of  
23 methamphetamine wrapped in a blue latex material consistent with the fingers of latex gloves in a yard,  
24 which is an uncontrolled area of SQSP. After RAMIREZ planted the drugs, he then called another  
25 correctional officer over to search the area, claiming his K-9 indicated the presence of narcotics. While  
26 the methamphetamine field-tested positive, subsequent lab testing revealed that the purity was  
27 approximately 1%. Following the fraudulent discovery, RAMIREZ requested and received 8 hours of  
28 overtime for report writing, during which time he wrote and digitally signed a report that was 7 lines

long, wherein he falsely claimed he discovered the methamphetamine. He received approximately \$577.20 of overtime pay at approximately \$72.15 per hour, which was reflected in RAMIREZ's paycheck wired to his bank account on or about April 13, 2022, for \$1,857.84.

h. In another example, RAMIREZ claimed that he discovered marijuana packaged in black electrical tape in an uncontrolled area at SQSP on May 12, 2022. The marijuana appeared to be a marijuana shake. Following that discovery, RAMIREZ requested and received 6.5 hours of overtime for report writing, during which time he wrote and digitally signed a report that was 8 lines long, wherein he falsely claimed he discovered the marijuana. He received approximately \$467.55 of overtime pay at approximately \$71.93 per hour, which was reflected in RAMIREZ's paycheck wired to his bank account on or about June 13, 2022, for \$3,816.00.

8. From October 18, 2021, through February 27, 2024, when RAMIREZ claimed overtime related to searches where contraband was recovered, RAMIREZ received anywhere from approximately \$140 to \$570 per instance, resulting in overtime pay totaling approximately \$8,200.

COUNTS ONE THROUGH THREE: (18 U.S.C. § 1343 – Wire Fraud)

9. Paragraphs 1 through 8 of this Indictment are re-alleged and incorporated as if fully set forth here.

10. Beginning no later than October 18, 2021, and continuing through at least February 27, 2024, in the Northern District of California and elsewhere, the defendant,

AVELINO RAMIREZ,

knowingly and with the intent to defraud participated in, devised, and intended to devise a scheme and artifice to defraud as to a material matter, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

The Use of the Wires

11. On or about the dates set forth in the separate counts below, in the Northern District of California and elsewhere, for the purpose of executing the aforementioned scheme and artifice to defraud and attempting to do so, the defendant,

AVELINO RAMIREZ,

did transmit and cause to be transmitted in interstate and foreign commerce, by means of a wire



communication, certain writings, signs, signals, pictures, and sounds, specifically:

COUNT	DATE	DESCRIPTION OF WIRE COMMUNICATION
ONE	February 11, 2022	Direct deposit via Automated Clearing House transfer of \$3,455.41 to Police Credit Union checking account ending in x5143
TWO	April 13, 2022	Direct deposit via Automated Clearing House transfer of \$1,857.84 to Police Credit Union checking account ending in x5143
THREE	June 13, 2022	Direct deposit via Automated Clearing House transfer of \$3,816.00 to Police Credit Union checking account ending in x5143

Each in violation of Title 18, United States Code, Section 1343.

**FORFEITURE ALLEGATION:** (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

12. The allegations contained in this Indictment are re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

13. Upon conviction for any of the offenses set forth in this Indictment, the defendant, AVELINO RAMIREZ shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all property, real or personal, constituting, or derived from proceeds the defendant obtained directly and indirectly, as the result of those violations, including but not limited to forfeiture money judgment in the amount of such proceeds.

13. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,

1 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

2 14. All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States  
3 Code, Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

4  
5 DATED: October 31, 2024

A TRUE BILL.

6  
7 */s/ Foreperson of the Grand Jury*  
8 FOREPERSON

9 ISMAIL J. RAMSEY  
10 United States Attorney

11 */s/ Benjamin K. Kleinman*  
12 BENJAMIN K. KLEINMAN  
13 Assistant United States Attorney



AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING**OFFENSE CHARGED**18 U.S.C. § 1343 – Wire Fraud;  
18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) –  
Forfeiture Allegation☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ FelonyPENALTY: 20 years' Imprisonment;  
3 years' Supervised Release;  
\$250,000 Fine, and  
Forfeiture.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

**DEFENDANT - U.S.**

▶ AVELINO RAMIREZ

DISTRICT COURT NUMBER

CR 24-0564 WHO

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

FEDERAL BUREAU OF INVESTIGATION

☐ person is awaiting trial in another Federal or State Court,  
give name of court☐ this person/proceeding is transferred from another district  
per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of  
charges previously dismissed  
which were dismissed on motion  
of:☐ U.S. ATTORNEY ☐ DEFENSESHOW  
DOCKET NO.☐ this prosecution relates to a  
pending case involving this same  
defendantMAGISTRATE  
CASE NO.☐ prior proceedings or appearance(s)  
before U.S. Magistrate regarding this  
defendant were recorded under

Name and Office of Person

Furnishing Information on this form ISMAIL J. RAMSEY

☒ U.S. Attorney ☐ Other U.S. AgencyName of Assistant U.S.  
Attorney (if assigned)

BENJAMIN K. KLEINMAN

**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☒ If not detained give date any prior  
summons was served on above charges ▶2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)

FILED

OCT 31 2024

**IS IN CUSTODY**4) ☐ On this chargeCLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer ☐ Yes  
been filed? ☐ NoIf "Yes"  
give date  
filedDATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☒ SUMMONS ☐ NO PROCESS\* ☐ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☒ Arraignment ☐ Initial Appearance\* Where defendant previously apprehended on complaint, no new summons or  
warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

343 Mesa Verde Street, Vallejo, CA 94589

Date/Time: November 22, 2024 at 10:30am Before Judge: Thomas S. Hixson

Comments:

**FILED****OCT 31 2024****UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**CRIMINAL COVER SHEET**

**Instructions:** Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. AVELINO RAMIREZ

CASE NUMBER:

CR

**CR 24-0564****WHO**

Is This Case Under Seal?

Yes

No

☒

Total Number of Defendants:

1

☒

2-7

8 or more

Does this case involve ONLY charges  
under 8 U.S.C. § 1325 and/or 1326?

Yes

No

☒

Venue (Per Crim. L.R. 18-1):

SF

☒

OAK

SJ

Is this a potential high-cost case?

Yes

No

☒Is any defendant charged with  
a death-penalty-eligible crime?

Yes

No

☒

Is this a RICO Act gang case?

Yes

No

☒

Assigned AUSA

(Lead Attorney): Benjamin K. Kleinman

Date Submitted: 10/31/2024

Comments: